

REMARKS

In the Office Action filed July 6, 2004, claims 12, 13, 34-35, 47-48, and 54-55 are allowed. The Examiner has rejected claims 1-11, 14-33, 36-46, and 49-53. Applicant requests the Examiner allow these claims in light of the amendments herein and the following remarks. By this response, the Applicant has canceled claims 5-11, 16-22, 27-33, 36-46, and 49-53.

By this response, Applicant has amended claims 1, 14, 23, 54, and 55. Rejected claims 5 and 6 depend from claim 1. By this response, Applicant has amended claim 1 to include the limitations of claim 5 and claim 6, and has canceled claim 5 and claim 6. Accordingly, in view of the remarks set forth below, Applicant urges that claim 1 is in condition of allowance, and claims 2-4 which depend from claim 1, either directly or indirectly, and which include the each of the limitations of claim 1, are also in condition for allowance. Claim 1 as amended allows the user to affect the control in the factory process by changing a task real-time.

Applicant respectively disagrees with the Examiner's rejection of Applicant's claim 5 and claim 6 based upon the Examiner's reading of Engdahl at column 6, line 66, to column 7, line 15. Engdahl's meter tool 68 "reads qualitative data" at column 6, line 67. A "read" is not a write. Reading qualitative data does not affect the control in the factory process. Only a write can affect control in a factory process. Further, the "watch tool" of Engdahl is "for measuring real-time occurrences" at column 7, line 3. Applicant urges that measuring is not controlling. Engdahl is using the measured value to present a change to the user. In column 7, lines 5-6, Engdahl states "for modifying the relationship between virtual time and real time in instances where troubleshooting and simulation of the factory maybe desired." Engdahl does not teach modifying the data of the represented object to affect control in the factory process. The Engdahl modification updates the instance of the software tool on the personal computer of the represented objects with

real-time data. This may allow the user to simulate a process using the VRML rendering engine. Nowhere does Engdahl suggest that the results of the simulation using the acquired real-time data are written back to the control system to affect control. Finally, the “stethoscope tool” of Engdahl at column 7, lines 6-9, permits the user to observe the machinery represented by the object, not to change data at the machine to affect control in the factory process. Accordingly, Engdahl does not disclose each limitation of amended claim 1 and therefore can not anticipate this claim. See e.g. *RCA Corp. v. Applied Digital Systems*, 730 F.2d 1440, 1444 (Fed. Cir. 1984) (Anticipation is established only when a single prior art reference discloses each and every element of a claimed invention).

Rejected claims 16-18 depend from claim 14. By this response, Applicant has amended claim 14 to include the limitations of claims 16-18 and has canceled claims 16-18. Accordingly, based upon the observations set forth above for amended claim 1, Applicant urges that claim 14 is now in condition for allowance, and claim 15 which depends from claim 14, either directly or indirectly, and which includes each of the limitations of claim 14, is also in condition for allowance.

Rejected claims 27-29 depend from claim 23. By this Response, Applicant has amended claim 23 to include the limitations of claims 27-29, and has canceled claims 27-29. Accordingly, based upon the observations set forth above for amended claim 1, Applicant urges that claim 23 is now in condition for allowance, and claims 24-26 which depend from claim 23, either directly or indirectly, and which include each of the limitations of claim 23, are also in condition for allowance.

Claims 13, 35, and 48 have been amended to delete an unnecessary “and” at the end of lines 7, 12 and 10, respectively. Claims 54 and 55 have been amended to insert the word “of” in lines 16 and 14, respectively, to correct an inadvertent omission in the claims as previously presented.

Applicant has canceled and/or amended all of the rejected claims to include the limitations of a rejected dependent claim that Applicant deems to be in condition for allowance. Accordingly, all of the pending claims not canceled are deemed to be in condition for allowance. Notwithstanding this Amendment, Applicant reserves the right to present the rejected claims (prior to any amendments made herein) in a continuation application for further consideration and does not agree with the rejections presented in this present Office Action.

CONCLUSION

Accordingly, Applicant submits that, in light of the above amendments and remarks, claims 1-4, 12-13, 14-15, 23-26, 34-35, 47-49, and 54-55 are in condition for allowance. Applicant respectfully requests the Examiner to withdraw the rejections and to allow the claims to issue. The commissioner is authorized to charge deposit account 19-3875 (SAA-70) for any fees associated herein.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope addressed to MAIL STOP AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on September 3, 2004.

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